

BMS

Secure Workforces | Secure Borders

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July 15, 2008

Eric D. Pearson
Heygood, Orr, Reyes & Bartolomei
2331 Northwest Highway, 2nd Floor
Dallas, Texas 75220

By Email and Overnight Mail

Dear Mr. Pearson,

Pursuant to discussion with Swift's counsel concerning the confidential and privileged communication between us, I object to the production of Privileged Documents demanded in the Subpoena.

I believe, and Swift counsel has agreed, that the following are privileged documents.

1. Communications between Swift's counsel, BMS and Swift reflecting BMS' involvement in formulating a legal strategy for addressing an anticipated enforcement action by U.S. Immigration and Customs Enforcement ("ICE"), formulating a legal response to ICE's enforcement actions and assessing the legal risk to Swift related to potential and actual enforcement action.
2. Communications between Swift's counsel, BMS and Swift, including draft documents, related to the creation of internal policies designed to demonstrate Swift's compliance with applicable immigration law with the exception of final versions of any policy shared with ICE.
3. Communications and documents between Swift's counsel, BMS and Swift related to BMS' analysis of Swift's compliance with applicable immigration law, including written findings relied on by counsel in formulating strategies to address ICE enforcement actions and any legal exposure on matters related to Swift's compliance with immigration laws.

Accordingly, I object to the production, inspection or copying of any such privileged communication. It is my understanding that Swift's counsel will provide you with a privilege log.

Sincerely,

